



C.M.P.No. 11843 of 2022

in

S.A. No. 893 of 2013

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 2614 days in filing the petition to set aside the order dated 23.04.2015 dismissing the Second Appeal for non-prosecution and to restore the S.A.

2. Mr.M.Venkatesan, learned counsel for petitioner/appellant submitted that the petitioner's then counsel on record did not follow the case properly and also for filing some additional documents, the present counsel was engaged, however, the delay of 2614 days arose in filing the above petition. Hence, he has filed the above petition to condone the delay and to restore the S.A.

3. Mr.R.Asokan, learned counsel appearing for respondent appeared and raised strong objections stating that only to drag on the proceedings, the petition was filed belatedly and the reasons stated by the appellant are not acceptable one.



4. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit stating that he is not able to contact his counsel and also considering the fact the case is pending from the year 2013 between the parties, in order to give a quietus to the problem, this Court is inclined to allow this petition on payment of cost of Rs.5000/- payable to the respondent counsel on or before 05.08.2022 and to restore the second appeal.

5. Post the matter on 05.08.2022.

28.07.2022

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